Professional Development Modules: English Learner Tool Kit

Chapter Four—Meaningful Access to Programs
## Chapter Five—Creating Inclusive Environments

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Purpose

The **Professional Development Modules: English Learner Tool Kit** is a series of presentations intended to provide guidance to help local education leaders meet their legal obligations to English learners (ELs) and enhance existing EL practices to meet the needs of all EL students, parents, and families.
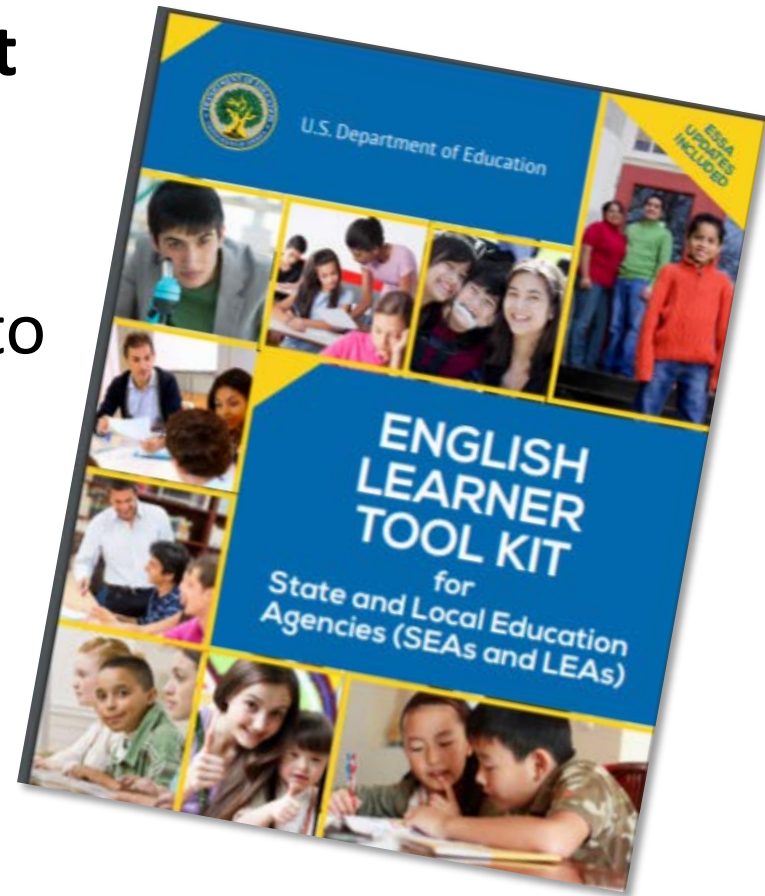
English Learner Tool Kit Topics

1. Identifying All ELs
2. Language Assistance Programs
3. Staffing and Supports
4. **Meaningful Access**
5. **Inclusive Environment**
6. ELs With Disabilities
7. ELs Who Opt Out of Programs
8. Monitoring and Exiting EL Programs
9. Evaluation of EL Programs
10. Ensuring Meaningful Communication With Limited-English-Proficient Parents

Significant Legal History

☐ Title VI of the Civil Rights Act, 1964

- Prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance.

- The Title VI regulatory requirements have been legally interpreted to prohibit **denial of equal access to education** because of a language minority student's limited proficiency in English.

Significant Legal History

□ *Lau v. Nichols* Court Case, 1974

◻ Case dealt with San Francisco school system's failure to provide English language instruction to 1,800 students of Chinese ancestry.

◻ U.S. Supreme Court unanimously ruled that a lack of supplemental instruction for ELs denies them a **meaningful** opportunity to participate in education programs, which violates the Civil Rights Act of 1964.

Significant Legal History

□ Equal Educational Opportunities Act (EEOA), 1974

- Prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin.

- The statute specifically prohibits states from **denying equal educational** opportunity by the failure of an education agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

"There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."
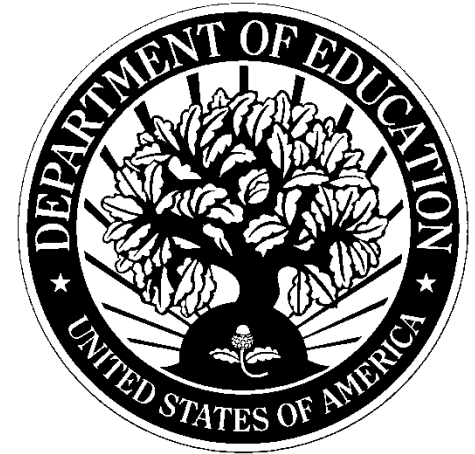
—*Justice William Douglas*

Legal Obligations

- The U.S. Department of Education's Office of Civil Rights (OCR) and the U.S. Department of Justice (DOJ) share enforcement authority.

- They issued joint guidance in 2015 to help states, districts, and schools meet legal obligations to ELs.

- Guidance identifies 10 common civil rights issues for ELs.

Providing ELs With Equal Access to Curricular and Extracurricular Programs

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Chapter 4: Tools and Resources for Providing English Learners Equal Access to Curricular and Extracurricular Programs

KEY POINTS

- SEAs and LEAs must design and implement services and programs that enable ELs to attain both English proficiency and parity of participation in the standard instructional program, within a reasonable length of time.

- SEAs and LEAs must provide equal opportunities for EL students to meaningfully participate in curricular, co-curricular, and extracurricular programs and activities.

- SEAs must ensure that schools and LEAs use appropriate, reliable, and valid evaluations and testing methods to measure ELs' acquisition of English and core-content knowledge.

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KEY POINTS

- LEAs may not exclude ELs from GATE programs, or other specialized programs, such as AP, honors, and IB courses.

- LEAs must ensure that evaluation and testing procedures for GATE or other specialized programs do not screen out ELs because of their ELP levels.

- SEAs and LEAs should monitor the extent to which ELs and former ELs are referred for and participate in GATE programs and AP, honors, and IB courses, as compared to their never-EL peers.

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Chapter 5: Tools and Resources for Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners

KEY POINTS

- LEAs must limit the segregation of ELs to the extent necessary to reach the stated goals of an educationally sound and effective program.

- LEAs should not keep ELs in segregated EL programs (or "EL-only" classes) for periods longer or shorter than required by each student's level of English proficiency, time and progress in the EL program, and the stated goals of the EL program.

- While ELs may receive intensive English language instruction or bilingual services in separate classes, it would rarely be justifiable to segregate ELs from their non-EL peers in subjects like physical education, art, music, or other activity periods outside of classroom instruction.

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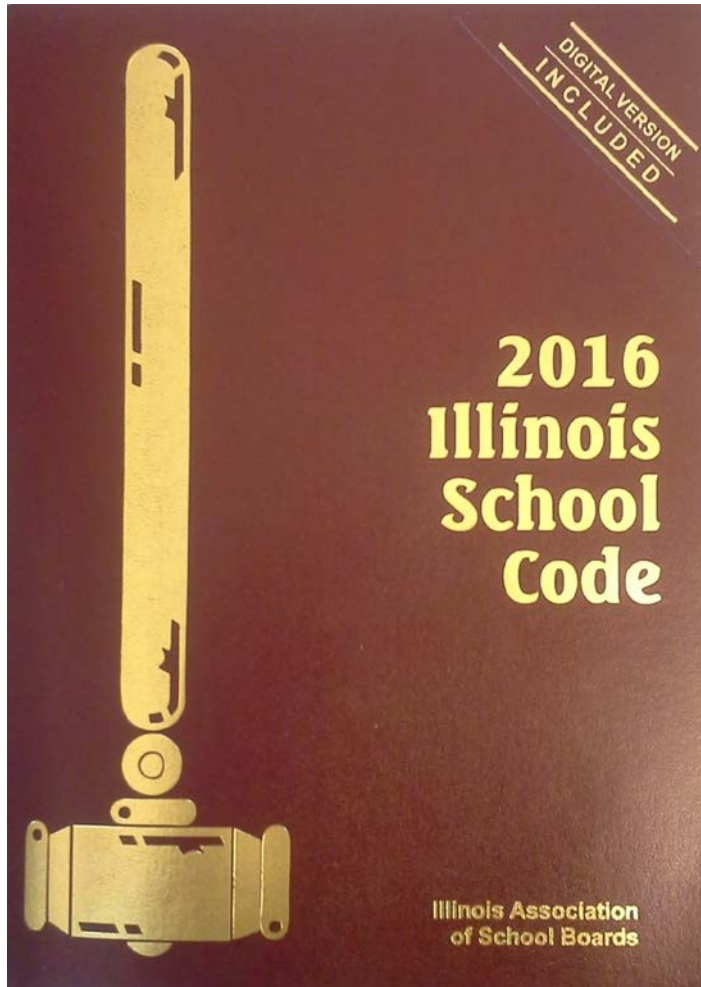
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Illinois Requirements

Illinois School Code

Participation in gifted programs "*shall be determined solely through identification of a child as gifted or talented. No program shall condition participation upon race, religion, sex, disability, or any factor other than the identification of the child as gifted or talented*" (105 ILCS 5/14A-25).

Illinois School Code (Article 14C)

□ School districts need to ensure that ELs are able to fully participate in extracurricular activities and all opportunities beyond the core curriculum of the school (105 ILCS 5/14C-7).

□ School districts may offer preschool and summer school programs for ELs (105 ILCS 5/14C-11).

□ School districts should avoid unnecessary segregation at all times possible, especially in classes in which language is not essential for understanding the subject matter (105 ILCS 5/14C-7).

23 Illinois Administrative Code (Part 228)

□ Local education agencies (LEAs) need to ensure that ELs are able to fully participate in extracurricular activities (23 Ill. Adm. Code 228.30(a)(3)).

□ LEAs may offer transitional bilingual education preschool and summer school programs for ELs (23 Ill. Adm. Code 228.30(a)(3)).

□ LEAs may offer preschool and summer school programs for ELs (105 ILCS 5/14C-11).

Additional Resources to Consider From the EL Tool Kit

Equal Access Tools

Chapter 4, Tool #1

Data Collection

How to access and use the data on ELs from the Office for Civil Rights' Civil Rights Data Collection (CRDC; https://ocrdata.ed.gov/)

Equal Access Tools

Chapter 4, Tool #2

Six Key Principles for Teaching EL Students

1. Focus instruction on providing ELs with opportunities to engage in discipline-specific practices.

2. Leverage ELs' home language(s), cultural assets, and prior knowledge.

3. Standards-aligned instruction for ELs is rigorous, is grade-level appropriate, and provides appropriate scaffolds.

Equal Access Tools

Chapter 4, Tool #2 (continued)

Six Key Principles for Teaching EL Students

4. Instruction moves ELs forward by taking into account their English proficiency level(s) and prior schooling experiences.

5. Instruction equips ELs with strategies to comprehend and use language in a variety of academic settings.

6. Formative assessment practices are employed to measure students' content knowledge, academic language competence, and participation in disciplinary practices.

Equal Access Tools

Chapter 4, Tool #3

English Learners and College- and Career-Ready Standards (Language Arts)

1. Employ teachers who are highly qualified to teach ELs

2. Maintain literacy-rich school environments

3. Instruction that develops foundational skills in English

4. Ongoing assessments and feedback to guide learning

5. Opportunities for classroom discourse and interaction

Equal Access Tools

Chapter 4, Tool #4

Serving Gifted English Learners

1. Focus research on equity issues

2. Develop culturally sensitive identification protocols.

3. Provide essential supports for culturally and linguistically diverse gifted students.

4. Ensure early and continuous access to high-end curriculum.

5. Establish effective home, school, and community connections.

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Creating an Inclusive Environment for English Learners Tools

Chapter 5, Tool #1

Diversity Self-Assessment

Self-assessment questions can help generate conversation among teachers and other education personnel on the topic of diversity. Following are sample questions:

1. What is my definition of diversity?

2. Do the children in my classroom and school come from diverse cultural backgrounds?

Creating an Inclusive Environment for English Learners Tools

Chapter 5, Tool #2

Resources to Address Bullying and Harassment

1. The White House Initiative on Asian Americans and Pacific Islanders Task Force created a bullying prevention website at https://sites.ed.gov/aapi/aapibullying. The website includes timely, relevant statistics about bullying, specifically bullying related to race, religion, or immigration status.

Creating an Inclusive Environment for English Learners Tools

Tool #3

Sample *Self-Monitoring Aid*

PUBLISHED SEPTEMBER 2015

NCELA | National Clearinghouse for English Language Acquisition

Creating an Inclusive Environment for English Learners: Self-Monitoring Form

by Bridget Belknap and Kathy Zantal-Wiener

Checklist for Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners

You can access **Tools and Resources** for **Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners** at http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

☐ What steps have been taken to develop a positive and inclusive school climates for ELs?

☐ What are the stated educational goals of the EL program? Is the degree of segregation necessary to achieve those goals?

☐ Does the degree of segregation decrease commensurate with ELs' rising English language proficiency (ELP) levels as well as their time and progress in the EL program?

☐ Do EL students participate with their non-EL peers during:

  ◼ Grade-level curriculum?

  ◼ Extracurricular activities?

  ◼ Afterschool activities?

  ◼ Other subjects (e.g., physical education, art, music)?

☐ Is the EL program carried out in the least segregated manner, consistent with achieving the program's stated educational goals?

Checklist for Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners (continued)

- ☐ Have parents been informed of their right to opt their children out of the EL program or particular EL services?

- ☐ Does the LEA at least annually assess the ELP of ELs and base program placement decisions on those data?

- ☐ How is EL student progress monitored and assessed throughout the school year to inform instruction and placement?

- ☐ For those EL students who are newcomers:

  - ☐ Does the LEA offer a segregated newcomer program? If so, is participation in it voluntary?

  - ☐ Is participation in a newcomer program based on ELs' academic and linguistic needs, not perceived behavior issues or other perceived needs?

  - ☐ Does the LEA offer opportunities for ELs in a newcomer program to take classes and participate in activities with non-ELs?

  - ☐ What support is provided to assist ELs to successfully transition out of newcomer programs?

Background Resources

- Fact sheet on the responsibilities of school districts

- Fact sheet answering common questions about the rights of limited-English-proficient parents and guardians

- Original OCR/DOJ guidance in the "Dear Colleague" letter

- Translations into multiple languages

- All available at https://www2.ed.gov/about/offices/list/ocr/ellresources.html

- Companion tool kit from the U.S. Department of Education's Office of English Language Acquisition: https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html

Resources

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